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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,074	02/06/2007	Manuel Gonzalez	200310853-3	2398

22879 7590 01/22/2010
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EXAMINER

PACHOL, NICHOLAS C

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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01/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/571,074	Applicant(s) GONZALEZ, MANUEL	
	Examiner Nicholas C. Pachol	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 16-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 16, 26, and 35 objected to because of the following informalities: Claims 16, 26, and 35 refer to "a portion of pattern." The limitation should read "a portion of **a** pattern." Appropriate correction is required.

3. Claim 26 is objected to because of the following informalities: Claim 26 states "wherein the print application allocates pattern to the function area ..." It should read wherein the print application allocates **the portion of the** pattern to the function area... Appropriate correction is required.

4. Claims 18, 20-24, and 31-34 objected to because of the following informalities: Claims 18, 20-24, and 31-34 refer to "the portion of pattern." The claims should read "a portion of **the** pattern." Appropriate correction is required.

5. Claims 18, 20, and 25 objected to because of the following informalities: The claims refer to a step of modifying, however in claim 16, there is no step of modifying. It

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seems that the modifying step refers to the generating step. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 19 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 19 recites the limitation "the printer driver" in line 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 25 recites the limitation "the area" in line 3. It is unclear as to what the area refers to, the area of the document or the functional area. For the purpose of the examination, the examiner is treating the area to be the area in relation to the pattern.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16, 17, and 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (US 6,987,573) in view of Lapstun (US 7,070,098).

Regarding Claim 16, Silverbrook teaches a method of printing a digital document (Column 1, lines 5-13) comprising:

providing a first document for printing, the first document comprising at least one functional area wherein pattern markings are to be printed (Column 2, lines 3-5 and Column 4, line 66 - Column 5, line 6, wherein the document is prepared to be printed with the content and the coded data),

generating from the first document a second document wherein at least one functional area is modified, obtaining a portion of pattern to fit the modified functional area (Figure 25, elements 836, 834 and Column 12, lines 10-42, wherein the first document is the original document and the second document is the formatted document. The formatted document is adjusted from the original document to print the document as desired by the user in regards to the user's preferences); and

printing the second document (Column 14, lines 15-17).

Silverbrook does not teach wherein at least one of the shape or location of the at least one functional area is modified.

Silverbrook '098 does teach generating from the first document a second document wherein at least one of the shape or location of the at least one functional area is modified (Column 3, lines 49-54 and Column 62, lines 17-29).

Silverbrook and Lapstun are combinable because they both deal with netpage printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Silverbrook with the teachings of Lapstun for the purpose of being able to rotate the tags in the netpage (Lapstun: Column 3, lines 49-54).

Regarding Claim 17, Silverbrook further teaches wherein the first document includes some content (Column 12, lines 12-17, wherein the text and image objects are content).

Regarding Claim 21, Silverbrook further teaches wherein the step of obtaining the portion of pattern for the functional area includes a step of requesting a portion of pattern for the functional area from a pattern allocation device (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 22, Silverbrook further teaches wherein the amount of pattern requested and the identity of the portion of pattern (its location in a pattern space) is determined according to the size of the modified functional area (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 23, Silverbrook further teaches wherein the step of requesting a portion of pattern comprises requesting an area of pattern larger than that which is required for a functional area of a document and allocating a sub-portion to the functional area according to how it has been modified (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 24, Silverbrook further teaches wherein the step of requesting a portion of pattern comprises requesting an area of pattern larger than that which is required for a functional area of a document and allocating a sub-portion to the functional area according to how the functional area has been modified (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 25, Silverbrook does not teach wherein the step of modifying the functional area comprises rotating the area relative to the remainder of the document (Column 12, lines 28-42).

Silverbrook '098 does teach wherein the step of modifying the functional area comprises rotating the area relative to the remainder of the document (Column 3, lines 49-54 and Column 62, lines 17-29).

Silverbrook and Lapstun are combinable because they both deal with netpage printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Silverbrook with the teachings of Lapstun for the purpose of being able to rotate the tags in the netpage (Lapstun: Column 3, lines 49-54).

Regarding Claim 26, Silverbrook teaches a digital document printing apparatus (Column 1, lines 5-13) comprising:

a print application which receives a first document for printing, the first document comprising at least one functional area wherein pattern markings are to be printed (Column 2, lines 3-5 and Column 4, line 66 - Column 5, line 6, wherein the document is prepared to be printed with the content and the coded data),

a document generating means configured to generate from the first document a second document wherein the at least one functional area is modified (Figure 25, elements 836, 834 and Column 12, lines 10-42, wherein the first document is the original document and the second document is the formatted document. The formatted document is adjusted from the original document to print the document as desired by the user in regards to the user's preferences), and

a pattern allocation unit which is arranged to allocate a portion of pattern to fit the modified functional area at the request of the print application (Column 14, lines 15-17).

Silverbrook does not teach wherein at least one of the shape or location of the at least one functional area is modified; and

wherein the print application allocates pattern to the functional area according to the function area's shape or location.

Silverbrook "098 does teach generating from the first document a second document wherein at least one of the shape or location of the at least one functional area is modified (Column 3, lines 49-54 and Column 62, lines 17-29).

wherein the print application allocates pattern to the functional area according to the function area's shape or location (Column 62, lines 17-29).

Silverbrook and Lapstun are combinable because they both deal with netpage printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Silverbrook with the teachings of Lapstun for the purpose of being able to rotate the tags in the netpage (Lapstun: Column 3, lines 49-54).

Regarding Claim 27, Silverbrook further teaches wherein the print application is arranged to generate a print file which comprises a set of instructions (Column 14, lines 15-17 and Column 47, lines 55-67)

Regarding Claim 28, Silverbrook further teaches further comprising a printer configured to print the second document together with the pattern markings (Column 14, lines 15-17).

Regarding Claim 29, Silverbrook further teaches wherein the pattern allocation unit allocates a portion of pattern that is larger than that which is required for a function area and the print application allocates a sub- portion of the portion of the pattern to the functional area (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 30, Silverbrook further teaches wherein the pattern allocation unit allocates a portion of pattern that is larger than that which is required for a function area and the print application allocates a sub- portion of the portion of the pattern to the functional area (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 31, Silverbrook further teaches wherein the pattern allocation unit stores a set of identifiers which uniquely identify each of a set of first documents and allocates a unique portion of pattern to each document (Column 12, lines 28-42,

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wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 32, Silverbrook further teaches wherein the pattern allocation unit stores a set of identifiers which uniquely identify each of a set of first documents and allocates a unique portion of pattern to each document (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 33, Silverbrook further teaches wherein the pattern allocation unit stores a set of identifiers which uniquely identify each of a set of first documents and allocates a unique portion of pattern to each document (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 34, Silverbrook further teaches wherein the pattern allocation unit stores a set of identifiers which uniquely identify each of a set of first documents and allocates a unique portion of pattern to each document (Column 12, lines 28-42, wherein by allocating the a different size, the pattern is then adjusted within the spatial extent or zone to be able to be properly formatted on the page).

Regarding Claim 35, Silverbrook teaches a computer-readable medium with program code embodied therein for causing when executed, a computer system, to perform a method of (Column 1, line 5-13, wherein a program must be run in order for the apparatuses to function properly):

receiving a first document for printing, the first document comprising at least one functional area wherein pattern markings are to be printed (Column 2, lines 3-5 and Column 4, line 66 - Column 5, line 6, wherein the document is prepared to be printed with the content and the coded data),

generating from the first document a second document wherein at least one functional area is modified (Figure 25, elements 836, 834 and Column 12, lines 10-42, wherein the first document is the original document and the second document is the formatted document. The formatted document is adjusted from the original document to print the document as desired by the user in regards to the user's preferences), and

requesting a portion of pattern to fit the modified functional area from a source of pattern (Column 14, lines 15-17).

Silverbrook does not teach wherein at least one of the shape or location of the at least one functional area is modified; and

allocating the portion of pattern to the functional area according to the function area's shape or location.

Silverbrook '098 does teach generating from the first document a second document wherein at least one of the shape or location of the at least one functional area is modified (Column 3, lines 49-54 and Column 62, lines 17-29);

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allocating the portion of pattern to the functional area according to the function area's shape or location (Column 62, lines 17-29).

Silverbrook and Lapstun are combinable because they both deal with netpage printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Silverbrook with the teachings of Lapstun for the purpose of being able to rotate the tags in the netpage (Lapstun: Column 3, lines 49-54).

12. Claims 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (US 6,987,573) in view of Lapstun (US 7,070,098) further in view of Natori (US 2002/0175958).

Regarding Claim 18, Silverbrook in view of Lapstun does not teach wherein the step of modifying the document or obtaining the portion of pattern for the functional area is performed by a print application.

Natori does teach wherein the step of modifying the document or obtaining the portion of pattern for the functional area is performed by a print application (Page 2, paragraph 20 and Page 5, paragraph 61).

Silverbrook in view of Lapstun and Natori are combinable because they both deal with applying a pattern to a document for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Silverbrook in view of Lapstun with the teachings of Natori for the purpose of allowing the user to have control over modifying the document to their own preference (Natori: Page 5, paragraph 61).

Regarding Claim 19, Silverbrook in view of Lapstun does not teach wherein the printer driver presents to a user one or more prompts for the user to modify the first document.

Natori does teach wherein the printer driver presents to a user one or more prompts for the user to modify the first document (Page 2, paragraph 20 and Page 5, paragraph 61).

Silverbrook in view of Lapstun and Natori are combinable because they both deal with applying a pattern to a document for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Silverbrook in view of Lapstun with the teachings of Natori for the purpose of allowing the user to have control over modifying the document to their own preference (Natori: Page 5, paragraph 61).

Regarding Claim 20, Silverbrook in view of Lapstun does not teach wherein the step of modifying the document or obtaining the portion of pattern for the functional area is performed by a print application.

Natori does teach wherein the step of modifying the document or obtaining the portion of pattern for the functional area is performed by a print application (Page 2, paragraph 20 and Page 5, paragraph 61).

Silverbrook in view of Lapstun and Natori are combinable because they both deal with applying a pattern to a document for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Silverbrook in view of Lapstun with the teachings of Natori for the purpose of allowing the user to have control over modifying the document to their own preference (Natori: Page 5, paragraph 61).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas C. Pachol whose telephone number is 571-270-3433. The examiner can normally be reached on M-Thr, 8:00 a.m.- 4:00 p.m. (EST), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. C. P./
Examiner, Art Unit 2625

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/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625